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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, Plaintiff, v. **James Michael RAY** Defendant.	Magistrate Case No. '08 MJ 1749 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1324(a)(2)(B)(iii)- Bringing in Illegal Aliens Without Presentation Title 18, U.S.C., Section 1544 Misuse of a Passport

CLERK, U.S. DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA, DEPUTY

The undersigned complainant being duly sworn states:

Count I

On or about **June 3, 2008**, within the Southern District of California, defendant **James Michael RAY**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jazmin SOLORIO-Figueroa** and **Maria GONZALEZ-Gonzalez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count II

On or about **June 3, 2008**, within the Southern District of California, defendant **James Michael RAY**, did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting U.S. Passport number **0371160005**, issued to **Arthur James SMITH**, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not **Arthur James SMITH**, that the passport was not issued or designed for his use. All in violation of Title 18, United States Code, Section 1544.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF **JUNE, 2008.**

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complaint states that **Jazmin SOLORIO-Figueroa** and **Maria GONZALEZ-Gonzalez** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena and that they are all material witnesses in relation to this criminal charge and should be held or admitted to bail as prescribed in Title 18, United States Code, Section 3144.

On June 3, 2008 at approximately 12:01 AM, **James Michael RAY (Defendant)** made application for admission into the United States from Mexico through the San Ysidro Port of Entry as the driver of a stolen 2005 Chevrolet Tahoe. Defendant presented a U.S. Passport bearing the name Arthur James SMITH to a Customs and Border Protection (CBP) Officer. The CBP Officer suspected Defendant was not the lawful owner of the passport. Defendant gave a negative declaration, claimed ownership of the vehicle and stated he had been in Mexico to visit his girlfriend. During an inspection of the vehicle, the CBP Officer discovered several people concealed under a tan colored fabric in the rear cargo area. The vehicle and its occupants were escorted to secondary for further inspection.

In secondary, it was determined that Defendant was an imposter to the document presented and four persons were removed from the rear cargo area of the vehicle. All four concealed persons were determined to be citizens of Mexico without entitlements to enter or reside in the United States. Two were retained as Material Witnesses and are now identified as **Jazmin SOLORIO-Figueroa (MW1)** and **Maria GONZALEZ-Gonzalez (MW2)**.

During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted knowledge of the concealed aliens. Defendant admitted two female individuals approached him in San Diego, California and asked him if he wanted to make money by smuggling people through the border. Defendant agreed to the offer and was to be paid $100.00 USD for his smuggling service. Defendant stated he was to cross the vehicle and drop off the undocumented aliens to a location in Chula Vista, California. After dropping off the undocumented aliens, Defendant was to return to Mexico with the same vehicle and obtain his money for his smuggling service. Defendant admitted a man identified as Rick provided him with the U.S. Passport and vehicle in order to facilitate the smuggling act. Defendant admitted he is not the lawful owner of the passport and that he knew it was against the law to use a passport lawfully issued to another.

During separate videotaped interviews, MW1 and MW2 admitted they are citizens of Mexico without legal documents to enter or reside in the United States. MW1 and MW2 stated that they were to pay a fee ranging from $2,500.00 to $3,000.00 USD upon successfully crossing into the United States. MW1 and MW2 stated they were going to California to either seek employment or reunite with relatives.